

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KENNETH THOMAS,

Case No. 3:15-cv-00071-MMD-WGC

Petitioner,

ORDER

v.

D. W. NEVEN, et al.,

Respondents.

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner represented by counsel.

On October 20, 2015, the Court appointed the Office of the Federal Public Defender to represent petitioner in this habeas action. (Dkt. no. 8.) The Federal Public Defender has identified a conflict of interest with the petitioner, and has indicated to the Court its inability to represent petitioner. (Dkt. no. 9.) The Court's Criminal Justice Act (CJA) Coordinator has located alternate counsel, Mary Lou Wilson, Esq., to represent the petitioner in this action. Ms. Wilson is a Criminal Justice Act panel attorney for the United States District Court, District of Nevada. Ms. Wilson will represent petitioner in all future proceedings in this Court relating to this matter (including subsequent actions) and appeals therefrom, pursuant to 18 U.S.C. § 3006A(2)(B), until allowed to withdraw. The Court now sets a schedule for further proceedings in this action.

It is therefore ordered that the Office of the Federal Public Defender is hereby released as counsel for petitioner.

1 It is further ordered that Mary Lou Wilson, Esq., is hereby appointed to represent
2 the petitioner in this action. Ms. Wilson will have thirty (30) days from the date of entry of
3 this order to file and serve on respondents a notice of appearance indicating her
4 representation of petitioner.

5 It is further ordered that the Clerk of Court will electronically serve Ms. Wilson
6 with a copy of this order, together with a copy of the original petition for writ of habeas
7 corpus (dkt. no. 1-1) and supplement (dkt. no. 1-2).

8 It is further ordered that counsel for petitioner must meet with petitioner as soon
9 as reasonably possible to: (a) review the procedures applicable in cases under 28
10 U.S.C. § 2254; (b) discuss and explore with petitioner, as fully as possible, the potential
11 grounds for habeas corpus relief in petitioner's case; and (c) advise petitioner that all
12 possible grounds for habeas corpus relief must be raised at this time in this action and
13 that the failure to do so will likely result in any omitted grounds being barred from future
14 review.

15 It is further ordered that petitioner will have ninety (90) days from the date of
16 entry of this order, to file and serve on respondents an amended petition for writ of
17 habeas corpus, which will include all known grounds for relief (both exhausted and
18 unexhausted).

19 It is further ordered that respondents will have forty-five (45) days after service of
20 an amended petition within which to answer, or otherwise respond to, the amended
21 petition. If petitioner does not file an amended petition, respondents will have forty-five
22 (45) days from the date on which the amended petition is due within which to answer, or
23 otherwise respond to, petitioner's original petition.

24 It is further ordered that, if and when respondents file an answer, petitioner will
25 have forty-five (45) days after service of the answer to file and serve a reply.


26 It is further ordered that all exhibits filed by the parties herein must be filed with
27 an index of exhibits identifying the exhibits by number. Exhibits filed in the CM/ECF
28 system must correspond to the numbered exhibits identified in the index of exhibits.

1 It is further ordered that the parties must send courtesy (paper) copies of all
2 exhibits to the Reno Division of this Court. Courtesy copies must be mailed to the Clerk
3 of Court, 400 S. Virginia St., Reno, NV, 89501, and directed to the attention of "Staff
4 Attorney" on the outside of the mailing address label.

5 It is further ordered that petitioner will file no further *pro se* documents and must
6 proceed by and through appointed counsel.

7 It is further ordered that the Clerk of Court will send a copy of this order to the
8 CJA Coordinator.

9 DATED THIS 22nd day of October 2015.

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12 MIRANDA M. DU
13 UNITED STATES DISTRICT JUDGE
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